

## **REMARKS**

In response to the above-identified Advisory Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends claims 1-3, 14-16, and 23-25. Applicant does not cancel or add any claims. Accordingly, Claims 1-27 are pending.

### **III. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-3 and 10-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,396 issued to Gerace ("Gerace'396"). Applicant respectfully traverses the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Claim 1 recites a computer implemented method comprising:

“receiving a request to obtain consumer feedback on a broadcast product;  
sending at least one product description data to a plurality of clients;  
receiving a feedback data on the broadcast product from each of the plurality of clients transparent to the user of the clients, wherein the feedback data is based on information stored in a memory device of each of the clients;  
processing a consumer feedback summary based on the feedback data on the broadcast product.” (Emphasis Added).

In the Advisory Action, the Examiner cites Gerace'396 for teaching the claimed feedback data. The cited passage discloses a user session object 37d that stores a referring link, the user's identification number, and an indication of web browser software employed by the user's computer (col. 6, lines 48-55). The user session object 37d at most teaches collecting identification information of the user, the user's computer, and the user's referring link. None of the disclosed information even remotely relates a broadcast product. Thus, Gerace'396 does not teach each of the elements of Claim 1.

In regard to Claims 2, 3, and 10-13, these claims depend from independent Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Claim 1,

Gerace'396 does not teach each of the elements of these claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of these dependent claims are requested.

Claims 14-16 and 20-27 stand rejected under the same rationale that Claims 1-3 and 10-13 are rejected. As Claims 14-16 and 20-27 recite similar limitations as those recited in Claims 1-3 and 10-13, analogous discussion applies. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 14-16 and 20-27 are requested.

#### **IV. Claims Rejected Under 35 U.S.C. § 103**

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,991,735 issued to Gerace et al ("Gerace'735") in view of U.S. Patent No. 5,999,908 issued to Abelow ("Abelow"). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim. Gerace'735 discloses a similar user session object 37d as disclosed in Gerace'396. Thus, similar to the reasons discussed above in regard to Claim 1, Gerace'735 does not teach or suggest obtaining consumer feedback on a broadcast product as recited in Claim 1. Abelow does not cure the defects of Gerace'735. Abelow does not mention a broadcast product in the entire disclosure. Abelow's teaching is rather directed at a product having a relatively long product or service life cycle, such as a fax machine (Fig. 2). Thus, Gerace'735 in view of Abelow does not teach or suggest each of the elements of Claim 1.

Claims 4-9 depend from independent Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Claim 1, Gerace'735 in view of Abelow does not teach or suggest each of the elements of Claims 4-9.

Moreover, a skilled person in the art would not be motivated to combine Gerace'735 with Abelow. Gerace'735 is directed toward collecting statistics for an advertisement and is not in the

least concerned about improving the speed or efficiency of product design as taught by Abelow (Abstract). Neither reference provides any motivation to combine the feedback of Gerace'735 which occurs before the delivery of a product with the feedback of Abelow which occurs during the use of a product. Thus, the Examiner has engaged in impermissible hindsight construction in the proposed combination.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 4-9 are requested.

Analogous discussion applies to Claims 17-19 which recite similar limitations as those recited in Claims 4-9. Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 17-19 are requested.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-27 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/4, 2005

Thomas M. Coester  
Thomas M. Coester, Reg. No. 39,637

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

### CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea Costello October 4, 2005  
Andrea Costello Date